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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,271	11/15/2003	Kevin Hill	8.131	4602

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EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,271	<b>Applicant(s)</b> HILL ET AL.	
	<b>Examiner</b> Korie H. Chan	<b>Art Unit</b> 3632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-14, 25-41, 43-48 and 50-57 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 8, 17, 18, 42-44, 49 and 58 is/are rejected.
- 7) ☒ Claim(s) 3-5, 7, 15, 16 and 19-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/5/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

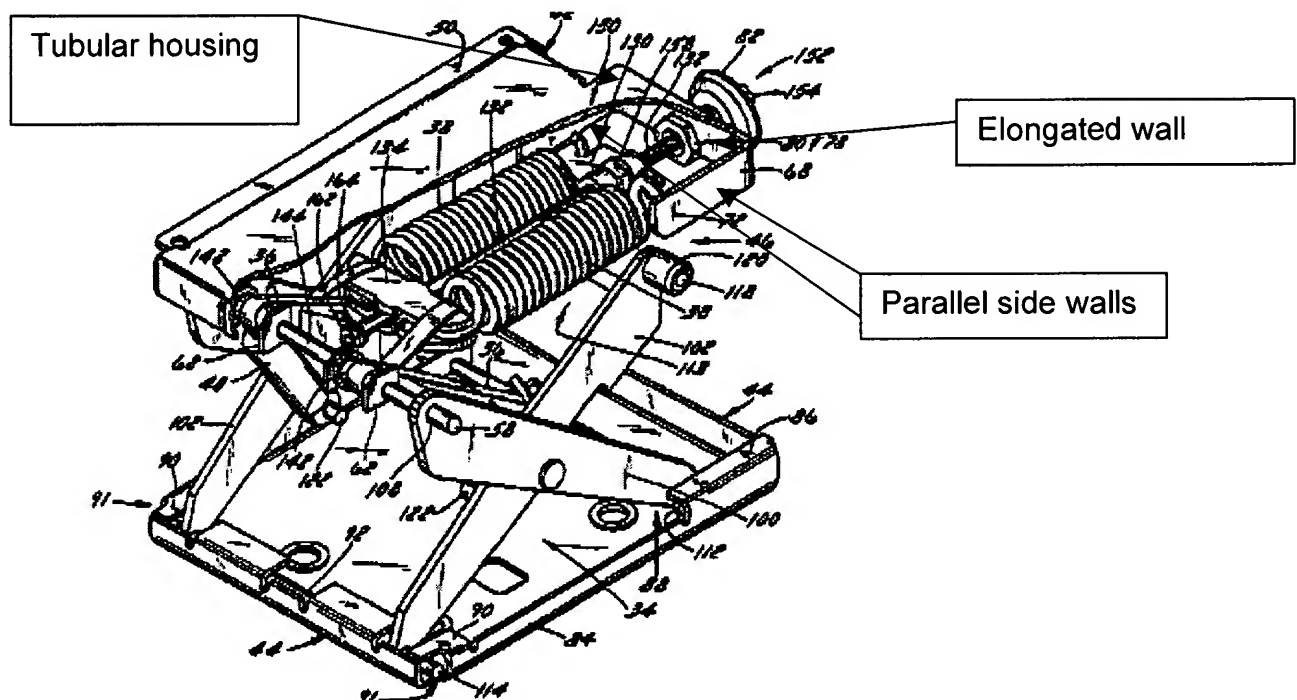
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 58 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "housing" on line 3 of claim 58 lacks proper antecedent basis.

### ***Claim Rejections - 35 USC § 102***

Claims 1, 2, 6, 8, 17, 18, 42-44, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (US patent no. 5,794,911). Hill discloses a vehicle seat suspension comprising: a base (44, figure 2); a seat supporting platform (42, figure 2); a suspension module (46, figure 1) that communicates with the base and the platform that includes a frame (68, figure 2) supported by one of the base and platform, a pivotable arm (100) disposed between the base and platform, and a biasing element (38, figure 2) that cooperates with the frame and the pivotable arm in opposing suspension collapse; regarding claim 2, wherein the frame comprises an elongate fore-aft extending tubular housing (68 together with the portion of 150 makes a tubular housing); and the biasing element comprises at least one fore-aft extending elongate spring (38, figure 2) carried by the housing and wherein the at least one spring is movable relative to the housing; regarding claim 6, wherein the suspension module comprises a height and weight adjustment (abstract) assembly and wherein the suspension module is engageable with one of the base and platform without weld (Hill'911 discloses that it can be mounted via

other adhesive means rather than welds (Col. 9, lines 47-50); regarding claim 8, wherein the frame of the suspension module comprises a tubular suspension module housing (68, figure 2) that has an elongated wall that engages the platform and that has a pair of spaced apart and generally parallel sidewalls extending outwardly from the elongate wall (see illustration below).



Regarding claim 17, Hill'911 discloses a vehicle seat suspension comprising a base (44, figure 1), a seating supporting platform (34, figure 1), a suspension arrangement (46) carried by the base that comprises a truncated roller (40, figure 6) in communication with the platform (via 36, figure 2) and that rolls or rocks back and forth during suspension operation; regarding claim 18, the suspension arrangement is disposed between the base and platform and therein there is a suspension arm (14, figure 6) that carries the truncated roller and has an abutment against which a portion of

Art Unit: 3632

the truncated roller carried by the suspension arm bears thereby limiting roller rotation during suspension operation; Regarding claim 42, Hill'911 discloses a vehicle suspension comprising a base (44) a seat supporting platform (34), a bell crank suspension arrangement (46) comprising one biasing element (38), bell crank arm (102, figure 6), a roller (40) carried by the arm, a weight adjust assembly, a height adjust assembly, wherein the weight adjustment assembly is constructed and arranged to enable suspension weight adjustment without affecting suspension height adjustment and the height adjust assembly is constructed and arranged to enable suspension height adjustment without affecting suspension weight adjustment (abstract). Regarding claims 43 and 44, Hill'911 discloses the two limits of height and weight adjustments. Regarding claim 49, Hill'911 discloses a suspension housing (42) that comprises a plurality of biasing elements (38) carried by the housing, a suspension arm (100, 102) carried by the suspension module housing and in cooperation with the plurality of biasing elements.

Claim 58 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 3-5, 7, 15, 16, 19-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-14, 25-41, 43-48, 50-57 are allowed.

Applicant's arguments with respect to claims 1-58 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
June 5, 2006